42.

To the Right Reverend, the

MODERATOR,

AND

REMANENT MEMBERS

OF THE

VENERABLE ASSEMBLY

Of the Church of SCOTLAND, now Sitting at *Edinburgh*.

THE HUMBLE

REPRESENTATION

OF

WALTER *Earl of* TARRAS, *and the Sother Heretors concerned, for Re-erecting the Kirk of Robertoun.*

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In the year 1647. The General Assembly of this Church did by their Act, *Session* [illegible] Ordain Presbyteries to use all Diligence for Remeeding the incommodious Situation of Parish Kirks: And in particular, they ordered a Recommendation, to be Directed to the then Earl of *Buccleugh* for Building a Kirk on *Borthwick Water*; (as appears by the Index of their unprinted Acts,) which being Essayed by the Presbytery of *Jedburgh* in the year 1649 was interrupted by the Invasion of the *English*, till the year 1658, at which time the Heretors of the Parishes of *Hawick*, *Hassenden*, *Wiltoun* and *Selkirk*, all lying upon, or near to *Borthwick Water*, made their Address to the Presbytery of *Jedburgh*, for getting the Kirk of *Hassenden* Transplanted from the *East-end* of the Parish where it stood, to *Robertoun*, which is about the middle thereof; and for Dismembring the remote Parts of the Parishes of *Hawick*, *Hassenden*, *Wiltoun* and *Selkirk* from their respective Kirks, and annexing them to this new Kirk of *Robertoun*; and that in regard, That on the heads of the Waters of *Tiviot* and *Borthwick* there were at least ten Miles Destitute of any Kirk; whereas beneath, where *Tiviot* and *Borthwick* meet, there are no fewer then six Kirks within the bounds of four Miles; of which the Kirk of *Hassenden* being one, and having the Kirks of *Minto* and *Wiltoun* on the one and other side; it then stood at the *East-end* of the Parish, which is at least twelve Miles of length in a

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ſtreight line from *Haſſenden* to *Creak*, the *Weſt-end* of the Pariſh, upon the *North-ſide* of the ſaids Waters of *Tiviot* and *Borthwick*, and hath the whole Pariſh of *Wiltoun*, as it were, Interwoven with it by parcels, which being the Situation of the Pariſh of *Haſſenden*; and there being alſo ſome remote parts of the Pariſhes of *Hawick* and *Selkirk* lying upon or near to the ſaid *Borthwick water*, which will be diſtant from their ſaid Kirks, or any Kirk whatſomever, ſix, eight, ten, or twelve Miles: The tranſplanting of *Haſſenden* Kirk to *Robertoun*, and annexing the ſaids remote parts of *Haſſenden*, *Hawick*, *Wiltoun* and *Selkirk* to this new Kirk of *Robertoun*, would make the remoteſt of them to be not above five Miles diſtant from the ſame, and five parts of ſix within two Miles of the ſaid Kirk: And on the other hand, the *Eaſt-end* of the ſaid Pariſh of *Haſſenden*, from which the Kirk was to be removed, would be ſufficiently accommodate by annexing it, partly to the Kirk of *Minto*, and partly to *Wiltoun*, lying on either hand thereof; and two parts of three of the ſaid *Eaſt-end* would have the advantage in being annexed to *Wiltoun*, which is nearer to them then the Kirk of *Haſſenden*; and the other third part would be no farther prejudged, then by riding or going half a Mile, or at moſt a Mile farther to the Kirk then they were wont: And likewiſe the aforeſaids other three Kirks on the *North-ſide* of *Tiviot-water* would by this means be in the very Center of their Pariſhes.

Upon which conſiderations, the Conveniency and Equity of the aforeſaid Tranſplantation was ſo apparent, that not only the Presbytery of *Selkirk* did thereto conſent, but alſo all the Heretors in the ſaid *Eaſt-end* of *Haſſenden* Pariſh, by a Writ under their Hands, did unanimouſly concur in the foreſaid Addreſs, except *John Turnbull* of *Knowe*, who yet after a little oppoſition was convinced, and joyned with the reſt: Whereupon the Presbytery of *Jedburgh* having with conſent of all Parties perambulate the bounds, found a real neceſſity of the ſaid Tranſplantation: And having paſt an Act thereupon, which was alſo Authorized by the Authority for the time: In purſuance thereof, the ſaid Kirk of *Robertoun* was in the year 1659. Built and compleated, and Gods Worſhip ſet up and Exerciſed therein for ſeveral years thereafter.

But in the year 1665. when Prelacy had overturned Presbytery, and was then in great vigour: The Archbiſhop of *Glaſgow* for the time, taking Offence at ſome little ſlight he conceived to be put upon him by the deceaſed Sir *Gideon Scot* the Earl of *Tarras*'s Father; did firſt by a peremptory Letter directed to the Presbytery of *Jedburgh*; and then upon the report of a pretended Viſitation appointed by the Synod of *Peebles*, give order that the Kirk of *Haſſenden* that had been Demoliſhed ſhould be Rebuilt, and the new Pariſh of *Robertoun* again Dilmembred: And that without ſo much as either making the appointed Perambulation, or giving a faire Hearing to the Heretors and others concerned, as the Proteſtation and Inſtruments taken by the Laird of *Borthwick Brae*, in Name of the reſt, does teſtify: And in this matter the Archbiſhop was ſo Partial and Unreaſonable, that albeit he had ſaid openly, that if Sir *Gideon Scot* would but write a Letter to him to forbear, he would do it: Yet his Paſſion ſo far prevailed upon Sir *Gideon*'s not writing, That he commanded the aforeſaid Diſſolution of the Pariſh of *Robertoun*, to

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the manifeſt Detriment of upwards of 900 Souls that lived within the bounds thereof, and could not elſe where be eaſily accommodate.

And farther, he carried his Partiality to that height, that he procured a Decreet of the then Commiſſion for Plantation of Kirks, Ratifying what he had done: But th s Decreet being given in Ablence, and manifeſtly by his procurement, in compearing perſonally in the Commiſſion, and declaring what he had already done in that Affair; and withall the Decreet is charge able with ſeveral Nullities and Inconſiſtencies: And being at beſt but a Ratification, *Quæ nihil novi juris tribuit*, and to be underſtood *ſalvo jure*, &c. Is not in this Caſe to be regarded.

After this Diſſolution and Deſolation wrought by the Biſhop which continued for ſeveral years. The Heretors and Pariſhioners did upon the granting of the late liberty in the year, 1687. Erect to themſelves a meeting houſe near to the ſaid Kirk, providing it with a Presbyterian Miniſter. And the Earl of *Tarras*, with the remanent Heretors and Pariſhioners, being deſirous, upon the re-eſtabliſhment of Presbytery, to have the ſaid Pariſh and Kirk of *Robertoun*, which the Arch Biſhop had ruined, again reſetled; Did in *September*. 1689. Apply for direction and advice, to a meeting of Presbyterian Miniſters at *Drybrugh*: But they, tho' abundantly ſatisfied, that the former procedure in erecting of that Kirk, was orderly, could do nothing in the matter: In reſpect they were not at that time Authorized by Law. Whereupon the ſaid Earle, and others did thereafter renew their application to the general meeting of Miniſters at *Edinburgh*, who did in this, as in other caſes, recommend and refer the matter to the next enſuing Synod of *Merſe*, and *Teviotdail*, to be by them examined, and reported to the next General Aſſembly.

Upon this Reference, The Synod being met at *Kelſo*, in *July* laſt, did appoint a Commity to conſider this whole Affair, and to reviſe the ſeveral Papers thereto relating, and to report their diligence with their opinion and advice thereanet. The which Commity being met and having ſeen all Papers relating either to tranſplantation or overturning of the ſaid Kirk, and having heard all parties concerned; they upon a full examination of the whole matter. And after having ſet down exactly what they had found therein, which agrees in every point to the narrative above expreſſed, did returne their report and advice; Firſt, That the erecting of the ſaid Kirk of *Robertoun*, was moſt neceſſary for Accommodating a large tract of ground, which they recommend to the Synod to cauſe perambulate. *2dly*. That the aforeſaid arbitrary order given by the Arch-Biſhop, ought to be ſimpliciter condemned, And *Thirdly*, That tho' they think the Synod can give no Judgement, either as to the continuance or demolition of the aforeſaid Kirk of *Haſſenden*, untill the ſaid decreet of Ratification given by the Commiſſion for plantation of Kirks, be taken out of the way; yet they alſo find that the aforeſaid Decreet was given for not Compearance, and that the reaſon why there was no Compearance, was becauſe that none at that time durſt oppoſe the actings of the Arch-Biſhop; neither were Presbyterians fond of new Erections, nor that Kirks ſhould be multiplied: as the ſaid report more fully bears.

Which report being made to the Synod, they unanimouſly approved the ſame; condemning the abovementioned injunction given by the Arch-Biſhop

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of *Glaſgow*, and recommended it to ſeveral Gentlemen and Miniſters by them named, to perambulate the whole bounds above controverted, and report to the Synod, as the Synod's Act dated the 24. of *July*, 1690 More fully teſtifies.

Likeas the Perambulators appointed by the Synod, having met at the Kirk of *Haſſenden*, upon the 13. of *Auguſt* laſt, and then perambulated the whole Bounds: They Judged it moſt convenient for the benefite of the People, lying at ſo vaſt a diſtance from any Kirk; That *Robertoun*, be again Erected in a Pariſh, and duely planted, and that albeit there may be about eight Hundred Souls lying neareſt to the Kirk of *Haſſenden*, yet the remoteſt of them, are not above two miles diſtant from the Kirk of *Wiltoun* on the one ſide, and a mile and an halfe from the Kirk of *Minto* on the other: As the report of their Perambulation, ſubſcribed with their hands, bears.

Which report being made to the Synod, again met at *Kelſo*, upon the 23, of *September* laſt, they upon a Petition given in by the Pariſhioners of *Robertoun* give this Anſwer; that the report of the whole affair concerning the Pariſhes of *Haſſenden*, and *Robertoun*; be given in to the next enſuing Aſſembly, unto which they refer the ſame: As the extract of their Act bears.

Whereupon this venerable Aſſembly being now met, the ſaid Earle of *Tarras*, with the remanent Heretors and Pariſhioners of the ſaid Kirk of *Robertoun*; do in all Humility, lay the whole matter thereto relating, before the Aſſembly; to be by them duely conſidered and determined upon, earneſtly intreating and obteſting the reverend Members thereof, That they would give their Judgement, and take ſuch courſe therein as may beſt contribute to the re-erecting of the ſaid Kirk and Pariſh of *Robertoun*, for the better accommodating of the People, living at ſo vaſt a diſtance, as hath been above repreſented, from any Kirk whatſomever; ſeeing that the ſame doth ſo manifeſtly conduce to the advancement of the Glory of God, in the propagation of the Goſpel, and the good and edification of the Hundreds of Souls therein concerned. And that by the narative above mentioned, It is alſo manifeſt that any oppoſition that hath been or can be made to ſo good a Work, doth only flow from the ſelfiſh diſpoſition of ſuch unreaſonable Men, as wilfully refuſe to cede the ſmalleſt bit of their own eaſe, either for the more neceſſary accommodation of their Neighbours, or the more viſible advantage of the Goſpel, which ought certainly to preponderate in all ſuch caſes.

The granting of which juſt deſire, is the more earneſtly expected, in regard that all craved, is only the reviving and reſtoring of what was formerly ſo well ſettled by the Judicatories of the Church, before the late Interruption; and the paſſing ſuch a Judgement upon the whole matter, as is ſutable to its Eccleſiaſtick Authority; ſpecially ſeeing that there neither is at preſent, nor can be any Miniſter regularly fixed in either of theſe Kirks, and for all the vaſt bounds of that Pariſh, until the queſtioned be determined.

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